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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,234	05/04/1999	GEORGE V. GUYAN	AND1P068	1833

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EXAMINER
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RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/21/2003

23

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/305,234

Applicant(s)

GUYAN ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 23.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

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Claims 32, 34 and 36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32, 34 and 36 make reference to "the task", whereas all previous claims make reference to multiple "tasks". Accordingly, the phrase "the task" lacks antecedent basis since none of the previous claims make reference to a single specific task. It is also indefinite since it is not clear which one of the multiple tasks are being referred to.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Lau ('247).

Lau discloses a programming system for developing component based software using object oriented programming principles. FIG. 3 discloses a data component in the form of a

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storage system that is capable of storing, retrieving and manipulating data in the form of completed computer programs that include specific sets of functions.

The system further includes a client side, or user manipulable component (300) that includes a number of subcomponents. The first subcomponent is an adapter component comprised of structures (302) and (303), which work together. The adapter component (303) transmits and receives data from the data component (308), and cooperates with the adapter component (302) to adapt data received from component (301).

The second subcomponent of the client side is a business logic component (301) that includes the overall logic for manipulating data.

The third subcomponent of the client side is a controller component (305) that creates completed frameworks for programs. The controller component (305) receives data on events from a user at a terminal (306). The controller component also communicates with the business component (301) and the adapter component (302, 303) to persist data to a data repository in the data component (308).

FIG. 4 discloses a task assistant that defines the programmed tasks necessary for an event. The tasks are defined in Pane 3 of FIG. 5. The rules that control the tasks are defined in Pane 2 of FIG. 5. The event is the collection of programming objects needed to create a new insurance policy (Pane 1).

Within the context of the present claims, no patentable weight is attributed to who actually carries out the tasks, such as an employee. The claims are addressed to the physical arrangement of a computer program, not a business process.

Pane 3 of the client component indicate which tasks have been established.

The programming objects which are collected in Pane 1 derive from a preprogrammed set (or queue) of programming objects, such as the data object (203) or application object (208).

The goal is insurance related, since the final output is programming used to produce insurance policies.

The storage of data pertaining to specific employees is non-functional descriptive material. The claiming of non-functional descriptive material does not create a patentable distinction over the prior art (See MPEP 2106 Section VI; and *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

The completion of specific tasks, as illustrated in Pane 3, are associated with predetermined events, as illustrated in Pane 1.

Remarks

Applicant's arguments have been considered.

Applicant argues that Lau does not disclose a computer program that allows a user to input rules which dictate which of the tasks should be selected based on predetermined events. As set forth in this and all previous office actions, Examiner maintains that Lau does in fact teach these features. FIG. 5 of Lau provides for a user interface which is part of the client component. The user can input rules (create associations between objects as illustrated in Pane 2); dictate tasks (define "getting" and "setting" functions as illustrated in Pane 3) and define predetermined events (define a set of objects as illustrated in Pane 1).

Applicant argues that Lau does not teach that the tasks are carried out by an employee. However, in the context of claims directed to a computer program, claiming the party who

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carries out the tasks (an employee) does not create a patentable distinction., since it does not limit any of the physical features of the computer program.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 2175